

FILED  
Clerk  
District Court

MINUTES OF THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS

DEC 15 2005

CR-05-00022

For The Northern Mariana Islands  
December 15, 2005  
10:10 a.m. (Deputy Clerk)

**UNITED STATES OF AMERICA -vs- XIAO YUN DAI**

PRESENT: HON. ALEX R. MUNSON, JUDGE PRESIDING  
LYNN LEMIEUX, COURTROOM DEPUTY  
SANAE SHMULL, COURT REPORTER  
JAMIE BOWERS, ASSISTANT U.S. ATTORNEY  
XIAO YUN DAI, DEFENDANT  
ROBERT T. TORRES, ATTORNEY FOR DEFENDANT

PROCEEDINGS: MOTION TO SUPPRESS AND EXCLUDE EVIDENCE/MOTION FOR  
DISCOVERY AND WAIVER OF SPEEDY TRIAL

Defendant was present with Attorney Robert Torres. Government by Jamie Bowers, AUSA.  
Also present was Special Agent for US Immigration.

Norman Cing was sworn as interpreter/translator of the Mandarin language.

Defendant was sworn. Defendant stated in open Court that he and his attorney needed more  
time to prepare for trial.

Defendant signed the Waiver Of Speedy Trial pleading in court. Defendant stated in open  
court that he wished to waive his right to speedy trial. Defendant was examined as to his  
understanding of his constitutional rights and his right to a speedy trial.

The Court found that pursuant to Title 18, U.S.C. Code 3161 (h)(8) that the ends of justice  
would be served by allowing the defense further time to review the evidence in preparation for trial  
and further time to pursue plea negotiations outweigh any other interests the public or the defendant  
may have in a speedy trial; therefore it was ordered that the jury trial would be waived up until and  
including **March 31, 2006** and that jury trial would commence on Monday, **March 13, 2006 at 9:00  
a.m.** in this courtroom.

Government argued that the motions for suppression filed by the Government were untimely.  
Court ruled to hear the motions.

Government called witness:

**JOHN DUENAS** (Special Agent US Immigration). DX. Government offered **Ex. 17** into  
evidence; there being no objection, Court so ordered. Government offered **Ex. 16 (mailing box  
carrying DVD player; and DVD player)** into evidence; there being no objection, Court so ordered.  
Government offered **Ex. 18 (photograph)** into evidence; there being no objection, Court so ordered.  
Government offered **Ex. 1, 2, 3, 4** into evidence; there being no objection, Court so ordered.

Court recessed at 11:20 a.m. and reconvened at 1:30 p.m.

Government continued with DX of witness **John Duenas**. Government offered **Ex. 5,6,7,8,and 9** into evidence; there being no objection, Court so ordered. Government offered **Ex. 10 and 11** into evidence; there being no objection, Court so ordered. Government offered **Ex. 12** into evidence; there being no objection, Court so ordered. Government offered **Ex. 13** into evidence; there being no objection, Court so ordered. Government offered **Ex. 14** into evidence; there being no objection, Court so ordered. Government offered **Ex. 15** into evidence; there being no objection, Court so ordered. At 2:20 p.m. Attorney Torres began **CX** of witness Duenas.

Court recessed at 3:00 p.m. and reconvened at 3:25 p.m.

Attorney Torres continued with his CX of witness Duenas and finished at 3:50 p.m. Government began RDX at 3:50 p.m. Attorney Torres began RCX at 3:55 p.m.

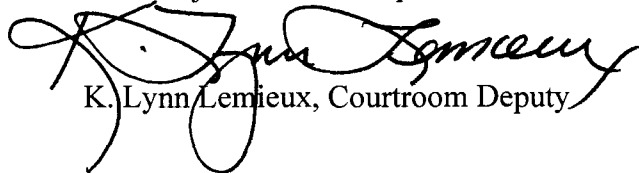
Attorney Torres offered Ex. 19 into evidence, there being no objection, Court so ordered.

Government rested.

Court recessed until 2:30 p.m. tomorrow.

Defendant was remanded back into the custody of the U.S. Marshal.

Court adjourned at 4:00 p.m.



K. Lynn Lemieux, Courtroom Deputy